IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODPUR

ORDER

S.B. Criminal Misc. Petition No.106/2007

(Rakesh Kumar Vs. State & Anr.)

Date of Order : 19th September , 2007

HON'BLE MR. H.R. PANWAR, J.

Mr. P.N. Mohanani for petitioner.
Mr. J.P. Bhardwaj for respondents.

By the instant criminal misc petition under Section 482 Cr.P.C., the petitioner has challenged the order dated 7th December, 2006, passed by the Judicial Magistrate, First Class, Pindwara, District Sirohi (for short 'the trial court') whereby the trial court granted interim monthly allowance of maintenance in favour of the respondents. Respondent No.1 and 2 are wife and daughter respectively of the petitioner. This fact has not been disputed by the petitioner before the trial court.

Grievance of the petitioner is that the trial court granted interim monthly allowance of maintenance from the date of the application instead of date of the order. This is the discretion of the trial court and no fault can be found in granting

maintenance from the date of application. A Division Bench of this Court in Smt. Savita Sharma Vs. Shri Krishan Murari 1990 (1) RLR 400 held that the monthly allowance of interim maintenance should be granted from the date of application. The judgment in Smt. Savita Sharma Vs. Shri Krishan Murari (supra) is prior in time. In view of above, no case for interference by this Court under the inherent powers is made out.

The criminal misc. petition is, therefore, dismissed. Since, the amount of interim monthly allowance of maintenance has fallen in arrears, therefore, the petitioner is permitted to pay the arrears of interim monthly allowance of maintenance in five equal installments commencing from 1st October, 2007.

The main petition itself has been dismissed, the stay application also stands dismissed.

(H.R. PANWAR), J.

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